

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0930V

Filed: November 4, 2015

Unpublished

JAMES SCAMMAN,

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Petitioner,

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Amber Wilson, Maglio Christopher and Toale, PA, Washington, DC, for petitioner.

Lara Englund, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On August 26, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act” or “Program”). The petition alleges that petitioner suffered a shoulder injury as a result of an influenza (“flu”) vaccine administered to him on October 22, 2014. Petition at 1. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

On November 2, 2015, respondent filed a Rule 4(c) report in which she conceded entitlement to compensation. Respondent’s Rule 4(c) Report at 2. Specifically, respondent determined that petitioner’s alleged injury is consistent with a shoulder injury related to vaccine administration (“SIRVA”) and that it was caused-in-fact by the flu vaccine he received on October 22, 2014. *Id.* Respondent identified no other causes for petitioner’s SIRVA and determined, based on the medical evidence of record, that

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

petitioner has suffered the condition for more than six months. *Id.* Respondent therefore concluded that petitioner has satisfied all legal prerequisites for compensation under the Act. *Id.*

In view of respondent's concession and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master